

ANDERSON *&* KREIGER LLP

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GEORGE A. HALL, JR.
ghall@andersonkreiger.com

April 7, 2004

Joel A. Lerner
Division of Conservation Services
Executive Office of Environmental Affairs
251 Causeway Street, 9th Floor
Boston, MA 02114

Re: Proposed Conservation Restriction - Assabet Riverfront Area in Acton

Dear Joel:

I am enclosing a Conservation Restriction that I have negotiated on behalf of the Acton Conservation as part of a settlement of a wetlands appeal to DEP. The Restriction affects two parcels of land on the south bank of the Assabet River in the southern-most corner of the Town of Acton, located on either side of Powder Mill Road (Route 62), just below the Powder Mill dam.

For your reference I am enclosing, in addition the Restriction, the following:

1. A detail of the Assessor's Map showing the two parcels affected;
2. Copies of the Easement Plan (describing the restricted area on the parcel north of Powder Mill Road) and the Sketch Plan (describing the restricted area on the parcel south of Powder Mill Road) referred to in the Restriction;
3. Two details of the USGS Map, Maynard Quadrangle, showing the site; one at a 1:100,000 scale to show its situation on the Assabet River about halfway between the center of Maynard and the village in West Concord, and the second at a larger scale;
4. A detail of the color orthophoto downloaded from the Mass. GIS website with Route 62 and the town boundaries depicted; and
5. The prefiled direct testimony of DEP's wetlands analyst, MaryAnn DiPinto, describing her visits to the site (north of Route 62, which was the area in dispute), including her photographs of the site and the area upstream (Exhibit 2), and an

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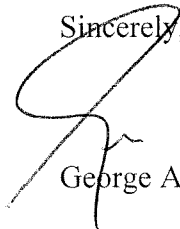
aerial photograph showing where the photos were taken. I have also printed the photos out separately so can see them better.

As far as the document itself is concerned, I have tried to follow the form of Restrictions you have previously approved, so I hope that there won't be any major problems with the basic form of the document. While it is already being circulated for signatures, I expect we can accommodate some changes if you think they are warranted.

The Restriction will provide protection for a significant portion of riverfront area along about 795 linear feet of the bank of the river north of Powder Mill Road, and an additional 237 linear feet south of Powder Mill Road, as well as public recreational access to the river, in the form of a canoe landing area. It appears to be a good acquisition.

Please feel free to call me if you have any questions.

Sincerely,



George A. Hall, Jr.

GAH/g
Enclosures

cc: Don P. Johnson, Town Manager (w/out enclosures)
Tom Tidman, Conservation Administrator (w/out enclosures)

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